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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,399	06/19/2001	Amir Kolsky	M02/3	1307

7590 07/21/2005

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,399

Applicant(s)

KOLSKY ET AL.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The RCE received 7-5-05 amended the claims. A new rejection is found attached.

Double Patenting

1. **Claims 1-18, 21 and 23** of this application conflict with claims 22-42 of Application No. 10/311585. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.
2. **Claims 1-18, 21 and 23** provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 22-42 of copending Application No. 10/311585. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 and 19-21 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US 6,243,596 and further in view of Microsoft Corporation 1998 and Kadyk et al. US 6,674,767.

As per **claims 1 and 22**, Kikinis teaches a method for providing access to a resource at an access device ~~to a digital resource~~ through an access network said resource being identifiable by an object identifier, said method (Abstract teaches using a cell phone to access the Internet, see figure 2 and 7, which would support the object identifier being a phone number, IP Address, etc.) comprising;

Accepting a connection to said access device over a telephone voice channel (Kikinis teaches a cell phone, title/abstract which would use a voice channel. Also see figure 1 which shows a phone/PDA connecting to a phone wall outlet), said connection involving an object identifier and said object identifier comprising a telephone number (Kikinis teaches using a phone to access the Internet via an ISP who uses a phone number and IP Address to identify the user),

Using the access device in a first mode (using cell phone to access network via cellular protocols/modes which are typically used to transmit voice, C3, L45 to C4, L53);

Providing access to said resource by said ~~Using the access device in a second mode, accessing the digital resource if said request is resolved~~ (the device is Web-enabled, per abstract and figure 7, so it can connect to and access the Web via a "second mode" which is interpreted as transmitting/receiving data packets via the RF cellular voice network).

But is silent on

~~Associating the digital resource with a digital resource object identifier;
transmitting a request with said digital resource object identifier to access the
digital resource through the access network~~

Identifying said connection as a request to access said resource and Routing
said request to a resolution server (Note: Kikinis does teach Figure 1 shows the
phone/PDA accessing the ISP who validates/authenticates the user and then allows
them access to the Internet. Also see steps in Figure 3, steps #47 to #74).

Resolving said request to identify the said digital resource according to said
~~digital resource object identifier.~~

The examiner notes that Web/ISP access, such as connecting to AOL or Compuserve, can be ICON-based whereby the user can click one ICON (eg. shortcut) to force a computing device to connect to a wired/wireless network via a first protocol (eg. LAN/cellular protocols) and then associate the connection to a particular address/URL via a second protocol (ie. aol.com or compuserve.com via HTTP protocol). Similarly, one skilled would use this ICON-based routing for generic object identifiers whereby it can be associated with a digital resource, transmitted across a network and resolved into a network connection and URL address. ICON-based routing is taught by **Microsoft** Internet Explorer (see Microsoft.com) whereby a user defines the default homepage (via the Internet Options Dialog box) that is navigated to when the user clicks the "IE" ICON (ie. the computer first makes a network connection and then makes a HTTP connection). Similarly, one skilled can use this "resolving" concept and apply it to digital resources and object identifiers as described by the user's specification (page 7, L12-21):

"...The present invention overcomes these deficiencies of the by providing a system and a method for object access through a cellular telephone which is provided herein as object dialing'. Object dialing requires a data enabled access device, preferably a cellular telephone, through which the user enters an object identifier. The cellular telephone then connects to a object identifier resolution server, which processes the object identifier once the connection has been initiated the server proceed to the object identifier in order to locate the requested object. After the server identifies the object then preferably at least one interactive communication is sent to the cellular telephone of the user. For example, such

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an interactive communication could optionally be a menu from which the user selects one or more choices, and/or enters additional data....”

Lastly, the examiner puts forth **Kadyk** who teaches a flexible system that accommodates data transfer from an origination device over a wide variety of networks to a wide variety of destinations even if the networks use different protocols or data formats (abstract, figures 2-3). Kadyk teaches that information intended for a user's cell phone is translated by the gateway which determines the proper type of phone and network connection (C2, L35-61 and/or C8, L55 to C9, L67).

~~With further regard to claim 22, Kikinis is silent on wherein said digital resource object identifier is selected to be compatible with said first mode. Microsoft teaches using Internet Explorer whereby the computer will detect network connectivity (ie. wired or wireless means) and select one that is compatible with first means to provide the user with connectivity to the Internet.~~

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis, such that Associating the digital resource with a digital resource object identifier and transmitting a request with said digital resource object identifier to access the digital resource through the access network and resolving said request to identify the digital resource according to said digital resource object identifier occurs, to provide means for automatically connecting to a network via first means and changing to a second means to connect to digital data via an object identifier.

As per **claim 2**, Kikinis teaches claim 1, wherein said request is transmitted according to a first mode through the access network, while the digital resource is access according to a second mode through the access network such that access the resource causes the access device to switch from said first mode to second mode (Abstract teaches using cellular links/protocols, eg. first mode, to connect to the network and then HTTP protocol, eg. second mode, to use network to connect to digital resource).

As per **claims 3-4**, Kikinis teaches claim 2 wherein the access device is requested/forced to switch from said first mode to said second mode (Abstract and figure 7 teaches the user using a cell phone with cellular protocols that connects to the Internet and then is "forced/requested" to use HTTP protocol for URL navigation).

As per **claim 5**, Kikinis teaches claim 1 wherein resolving said request includes identifying a user of the access device (figure 1 shows the user connecting to an ISP and Proxy Server which verify the identity of the user).

As per **claim 6**, Kikinis teaches claim 5 wherein said user is identified for using the access network with a user ID, such that said user is identified when resolving said request with said user ID for the access network (figure 1 shows the user connecting to an ISP and Proxy Server which verify the identity of the user).

As per **claim 7**, Kikinis teaches claim 1 wherein the access device is a wireless device (abstract teaches cell phone).

As per **claim 8**, Kikinis teaches claim 7 wherein the access device is selected ~~from the group consisting of a pager device and a PDA~~ (C3, L66 to C4, L18 teaches PDA while abstract teaches web-enabled cell phone. These devices disclose mobile devices which can transmit/receive data, hence one skilled would also provide support for a pager/paging device).

As per **claim 9**, Kikinis teaches claim 7 wherein the access device is a cell phone and the access network is a cellular network (abstract teaches a cell phone which inherently requires a cell network).

As per **claim 10**, Kikinis teaches claim 9 wherein the digital resource is access through a data session with said cellular phone (Abstract teaches a web-enabled cell phone that can access data via the Internet and Kikinis also discloses TCP/IP, C3, L45-59, which utilizes data sessions while transporting data).

As per **claims 11-12**, Kikinis teaches claim 10 wherein the digital resource is a markup language and/or WML (abstract teaches a wireless web-enabled phone accessing the internet via Hypertext Markup Language, C5, L53 and WML is inherently used with web-enabled phones).

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As per **claim 13-16**, Kikinis teaches claim 9/13/14/13 **but is silent on** wherein ~~the said request is routed to said resolution server as a string sent according to a string,~~ such that a portion of said string identifies an address for the resource, parsing at least a portion of said string to identify the digital resource, string includes a telephone number.

The examiner notes that using ICON-based routing (see claim 1) causes the ICON to be associated with both means for accessing a network and means for accessing digital content. The double-clicking of the IE (or AOL or Compuserve) ICON causes the computer/PDA to connect to the Web/ISP via first means (cellular protocol) and then connect to the Internet via second means (HTTP protocol). The ICON stores both the telephone string that is dialed as well as a default homepage string/URL which is connected to.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kikinis, such that the request is sent according to a string, such that a portion of said string identifies an address for the resource, parsing at least a portion of said string to identify the digital resource, string includes a telephone number, to provide means for using a data string to identify a digital resource address.

As per **claim 21**, Kikinis teaches claim 1 wherein the access network is selected from the group consisting of PSTN and ISDN (C4, L28-40 teaches phone lines or ISDN).

As per **claim 23**, Kikinis teaches claim 22 and wherein first mode is an audio mode and said digital resource identifier is compatible with DTMF tone dialing (C4, L28-40 teaches using analog phone lines which use DTMF dialing).

Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US 6,243,596/Microsoft/Kadyk and further in view of Krishnamurthy et al. US 6,760,343.

As per **claim 17**, Kikinis teaches claim 16 **but is silent on** wherein said string is parsed according to global title translation.

Krishnamurthy teaches global title translation used in a communications network whereby it determines/routes based upon phone number, IP Address, etc., which reads on the claim:

When the address is a global title, such as an 800 number, then a global title translation is performed to obtain the point code and subsystem number (step 1004).

Thereafter, the point code and subsystem number is used to determine the gateway server address (step 1006). This process proceeds directly to this step from step 1002 if the request includes a point code and subsystem number. Step 1006 provides an IP address for the gateway server. Global title translation is a standard SS7 function that may be used to change signaling addresses to obtain a destination, which is identified by the point code, and an application at the destination, which is identified by the subsystem number. This information is preset for particular destinations. The identification may be made by interrogating a database containing the appropriate IP address for a particular point code and subsystem number. (C10, L42-67)

It would have been obvious to one skilled in the art at the time of the invention to modify Kikinis, such that said string is parsed according to global title translation, to take advantage of this standard SS7 function to interrogate databases containing the appropriate address/phone number for access to other systems.

Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US 6,243,596/Microsoft/Kadyk and further in view of Son US 2001/0011302.

As per **claim 18**, Kikinis teaches claim 1 **but is silent on** wherein the request includes a voice message.

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Son teaches voice activated Internet access (title and abstract) which relies on the system to receive voice input commands and then perform said commands. Since the system receives voice commands, they inherently can be "live" or "recorded", as with a voice message/mail (as is well known in the art).

It would have been obvious to one skilled in the art at the time of the invention to modify Kikinis, such that the request is a voice message or voice activated command, to provide means to use voice commands to gain access instead of typing commands.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Koch US 6,687,341
2. Gibson US 2002/0016174.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
7-18-2005

